

REMARKS/ARGUMENTS

In accordance with the foregoing, claims 24-25, 27-28, and 31-32 have been amended with claims 29-30 being cancelled and claims 33-44 being added. No new matter is presented, and approval and entry and respectfully requested.

ALLOWABLE SUBJECT MATTER

Claims 21-24 and 31 stand allowed.

REJECTION UNDER 35 U.S.C. § 112

The substance of the rejection is set forth by way of the Office Action dated August 9, 2005.

Claims 25-29 and 32 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 25, and claims depending therefrom, have been amended to particularly set forth compression means, partial constriction means, and flow control means with proper antecedent basis.

Claim 29 has been cancelled without prejudice or disclaimer.

Claim 32 has been amended in accordance with the helpful suggestions of the Examiner to said forth --said means for controlling output comprising--.

REJECTION UNDER 35 U.S.C. § 102

The substance of the rejection is set forth by way of the Office Action dated August 9, 2005.

Claim 31 stands rejected under 35 U.S.C. § 102 as being anticipated by Ulbing, U.S. Patent No. 5,380,172. In view of the clarifying amendment set forth above, the outstanding anticipation rejection is respectfully traversed.

By way of review, Ulbing relates to a peristaltic action precision pump filler. As illustrated in FIG. 1 thereof, the

Ulbing pump filler module comprises a support frame 10 having a top plate 12, and a bottom plate 14 and a plurality of cylindrical guide members 16 mounted to its exterior corners. See Ulbing at col. 3, ln. 40-56. Frame 10 further includes a roller carriage 18 mounted for vertical translation there along by way of linear guides 21. Id. The discharge end 48 of fill tube 44 extends beyond bottom plate 14 and does not move. In other words, because roller carriage 18 travels between top plate 12 and bottom plate 14, roller carriage 18 does not move discharge end 48 (which extends beyond bottom plate 14). Claim 31 sets forth that a movable carriage is ... configured to move the output end of the tubing with respect to the machine body during forward propagation of the viscous material

Likewise, the Ulbing spring biased pressure plate assembly 130 does not function as a movable carriage as claimed. FIG. 1 of Ulbing shows pressure plate assembly 130 being spring biased to bottom plate 14 by way of coil springs 136. However, pressure plate 130 exerts a force against slide plates 126, 128 which in turn bear upon valve plate 102. See Ulbing at FIG. 1 and col. 5, ln. 13-15. This prevents "drool" of product from the discharge end by providing a tight seal. Id. at col. 7, ln. 42-58. Pressure plate assembly 130 does not move the output end of the tubing with respect to the main body as claimed.

Reconsideration and withdrawal of the outstanding anticipation rejection are respectfully requested.

NEW CLAIMS 33-44

New claims 33-44 are dependent claims. Accordingly, new claims 33-44 are allowable in accordance with their base claim subject matter. Approval and entry are respectfully requested.

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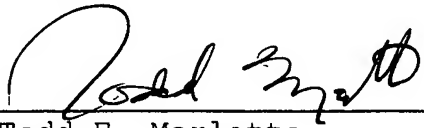
CONCLUSION

Thus, it now appears that the application is in condition for allowance. Should the Examiner have any questions or comments regarding the subject Amendment, the Examiner is kindly invited to telephone the undersigned as set forth below.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,

Date: 9/5/2006
P.O. Box 927570
San Diego, CA 92192-7570
Telephone: (703) 231-6600
TEM/sef



Todd E. Marlette
Registration No. 35,269